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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/808,812 | 03/25/2004 | Veerle Verschuere | 227965 | 7592 |
| 23460 7590 04/18/2008 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731 | | | | |
| EXAMINER | | | | |
| WALKE, AMANDA C | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1795 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/808,812

Applicant(s)

VERSCHUEREN ET AL.

Examiner

Amanda C. Walke

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 11-13, 15, 16, 18, 19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 11-13, 15, 16, 18, 19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-9, 11-13, 15, 16, 18, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita et al (6,593,057) in view of Ide et al (6,821,704) or Loccuffier et al (6,457,413).

Kita disclose a heat-sensitive lithographic printing plate precursor is disclosed, comprising a metal substrate having thereon 1) an ink-receptive layer, 2) a water-receptive layer comprising a colloidal particulate oxide or hydroxide of at least one element selected from the group consisting of beryllium, magnesium, aluminum, silicon, titanium, boron, germanium, tin, zirconium, iron, vanadium, antimony and transition metals, or additionally 3) a water-soluble overcoat layer, at least one layer of the ink-receptive layer, the water-receptive layer and the overcoat layer containing a compound capable of converting light into heat and the ink-receptive layer containing an epoxy resin having a softening point of 120 degrees C or more. The substrate on which the ink-receptive layer of the present invention is coated is a metal substrate having good dimensional stability. Preferred examples of the metal substrate include aluminum, zinc, copper, nickel and stainless steel. Among these, aluminum substrate is more preferred.

The starting material aluminum plate used for the aluminum substrate of the present invention may be appropriately selected from conventionally known and commonly used

aluminum plate materials. More specifically, the starting material aluminum plate is a pure aluminum plate or an alloy plate mainly comprising aluminum and containing trace foreign elements. Examples of the foreign elements contained in the aluminum alloy include silicon, iron, manganese, copper, magnesium, chromium, zinc, bismuth, nickel and titanium. The content of foreign elements in the alloy is 10% by weight or less. The aluminum plate may also be an aluminum plate obtained from an aluminum ingot using DC casting or continuous casting. The thickness of the aluminum substrate for use in the present invention is from 0.05 to 0.6 mm, preferably from 0.1 to 0.4 mm, more preferably from 0.15 to 0.3 mm. On the heat-sensitive lithographic printing plate precursor of the present invention, an image is formed by heat. More specifically, direct image recording by a thermal recording head or the like, scanning exposure by an infrared ray laser, high-intensity flash exposure by a xenon discharge lamp, or infrared ray lamp exposure may be applied. In particular, the exposure is suitably performed using a semiconductor laser which radiates an infrared ray in the wavelength range of 700 to 1,200 nm, or a solid high output infrared ray laser such as YAG laser. The reference teaches that the particles are preferably from 0.005 to .1 microns, or a string of up to 0.4 microns preferably, the reference is not limited thereto.

Loccufier et al and Ide et al each disclose heat sensitive printing plate materials comprising aluminum oxide particles or oxide particles of other metals also disclosed by Kita et al having a size of up to 10 microns and 0.5 microns respectively. The references teach that it is known in the art to have similar particles of a size larger than 0.4 microns.

Given the teachings of the references, it would have been obvious to one of ordinary skill in the art to prepare the material of Kita et al choosing to prepare the material having larger

particles given the teachings of Ide et al and Loccufer et al, with reasonable expectation of achieving a material having improved impression capacity.

Response to Arguments

3. Applicant's arguments filed 1/11/2008 have been fully considered but they are not persuasive. Applicant has again argued that the Kita reference fails to meet the instant claim limitations as it teaches that the coating weight of the particles falls outside of the instant invention as the Kita reference is "limited" to 900 mg/m². This assertion is based on the fact that Kita employs that amount in a few of its examples, however, the reference is not limited to that amount as it clearly teaches that the particles should be added to the layer in an amount of 80% or less, preferably 40% of less of the solid content of the layer, which appears to fall within the instantly claimed amount. With respect to the particle having a diameter thicker than the layer, Kita teaches that the layer is about .1 micron, preferably about .5 microns thick. Therefore it would have been obvious to one of ordinary skill in the art to choose a particle that has a larger diameter than the layer, and the resultant material would have a portion of the particles extend beyond the surface of the material.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amanda C Walke
Primary Examiner
Art Unit 1795

/Amanda C Walke/
Primary Examiner, Art Unit 1795

Application Number**Application/Control No.**

10/808,812

Examiner

Amanda C. Walke

**Applicant(s)/Patent under
Reexamination**

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